

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JAMES KARIM MUHAMMAD,  
Plaintiff,  
vs.  
PEOPLE OF CALIFORNIA, et al  
Defendants

Case No: C 10-1449 SBA

**ORDER DENYING DEFENDANTS'  
MOTION TO STRIKE; ORDER  
SETTING BRIEFING SCHEDULE**

Dkt. 50

On June 30, 2010, Defendants Jeffrey Stark, Bob Conner, and Cynthia Cornejo (erroneously sued herein as Cynthia “Conejo”) (collectively, “Defendants”) filed a Second Amended Motion to Dismiss Plaintiff’s complaint in this matter. A hearing on that motion was scheduled for October 5, 2010. Under Civil Local Rule 7-3(a), Plaintiff’s opposition was due twenty-one days before the hearing, or on September 14, 2010. Plaintiff, who is proceeding pro se, filed his opposition on September 22, 2010.

Instead of filing a reply to Plaintiff's late-filed opposition, Defendants filed the instant Motion to Strike Plaintiff's opposition as being untimely. Defendants contend that they will be prejudiced if Plaintiff's untimely opposition is considered absent a reply by Defendants. In order to avoid any such prejudice, and to allow for full briefing on the motion, Defendants are directed to file a reply to Plaintiff's late-filed opposition to their motion to dismiss.

Nevertheless, Plaintiff is specifically advised that pro se parties are obligated to follow the same rules as represented parties. See King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (finding that pro per litigants must follow the same procedural rules as represented parties). Self-representation is not an excuse for non-compliance with court rules. See Swimmer v. I.R.S., 811 F.2d 1343, 1344 (9th Cir. 1987) (“[i]gnorance of court rules does not constitute excusable neglect, even if the litigant appears pro se.”) (citation omitted). The failure to

1 comply with the Federal Rules of Civil Procedure, the Local Rules of the Court or any Court  
2 Order is grounds for dismissal of this action under Federal Rule of Civil Procedure 41(b). See  
3 Ferdick v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Accordingly,

4 IT IS HEREBY ORDERED THAT:

5 1. Defendants' Motion to Strike (Dkt. 50) is DENIED.  
6 2. Defendants shall file a reply to Plaintiff's opposition to their motion to dismiss  
7 by no later than March 4, 2011. This matter will be deemed submitted on the deadline for  
8 filing a reply. No further briefing will be permitted.  
9 3. This Order terminates Docket 50.

10 IT IS SO ORDERED.

11 Dated: February 25, 2011

  
12 SAUNDRA BROWN ARMSTRONG  
United States District Judge

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